

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	CASE NO. 1:17-MD-2804
)	
)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:)	
<i>“Track One-B Cases”</i>)	
)	
)	<u>ORDER REGARDING DOCUMENT</u>
)	<u>PRODUCTION TO MDL REPOSITORY</u>

In Case Management Order No. 1, the Court ordered defendants to produced certain documents to the MDL Repository. Specifically, the Court ordered

all Defendants shall review documents previously produced pursuant to any civil investigation, litigation, and/or administrative action by federal (including Congressional), state, or local government entities involving the marketing or distribution of opioids and shall produce to the PEC non-privileged documents relevant to the claims in this MDL proceeding.

Docket no. 232 at 15, ¶9.k.ii. This Order applied to “All Cases.”

Subsequently, Special Master Cohen entered Discovery Ruling No. 22, which addressed the same topic and added certain obligations. Specifically, the Ruling stated:

Defendants shall produce in discovery in this MDL copies of all sworn statements, testimony, video-taped testimony, written responses and discovery, expert reports, and other documents and discovery that they produce in any court case, government investigation, or government hearing, regarding the marketing, sales, distribution, or dispensing of Opioids or Opioid Products, including any exhibits referred to in that testimony, on an ongoing basis, for the Track Two cases;

except Defendants shall not produce any privileged materials, and instead shall produce privilege logs listing those materials, as has been the existing practice.

Docket no. 2576 at 4. This Ruling, however, applied only to the “Track Two cases.”

The Court has been made aware that there is some confusion regarding various defendants’ obligations, because some defendants have been dismissed from Tracks One and Two. Accordingly, the Court now makes clear that the above-quoted provision from Discovery Ruling No. 22 shall apply to all defendants in all MDL cases. Defendants are directed to comply with this Order if they have not.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

Dated: February 21, 2020